REMARKS

STATUS OF CLAIMS

Claims 1-9 are pending.

Claims 1-9 are rejected under 35 USC 102(b) as being anticipated by Campbell (US Patent No. 6,208,974).

New claim 10 is added.

Thus, claims 1-10 remain pending for reconsideration, which is respectfully requested.

The foregoing rejections are traversed. No new matter has been added in this Amendment.

CONFIRM RECEIPT OF PRIORITY DOCUMENT

The Applicants respectfully request that the Examiner acknowledge the claim for foreign priority based upon the Japanese Application No. 2000-290016 filed September 25, 2000, and to acknowledge receipt of the certified copy of this foreign priority document submitted to the USPTO on February 8, 2001 (as evidenced by the enclosed copy of Submission letter, including the first page copy of the foreign priority document), by checking the appropriate boxes of item 13 in the Office Action Summary.

PRIOR ART

Campbell

Claims 1-9 are rejected under 35 USC 102(b) over Campbell. Campbell does not relate to the present invention, and does not disclose or suggest any of the claimed features of the present invention, because Campbell discloses a wellness plan administration software to manage a wellness plan for a medical service practice. In particular, Campbell's system manages services provided by a provider, such as a doctor, to a patient (also referred to as a client of the doctor). In Campbell a user is not being billed for using software installed on a computer.

In contrast to Campbell, the present invention relates to charging a user that uses software running on a computer according to software functions used, such as according to a print function. The present invention as recited in independent claims 1, 6, 8 and 9, using claim 1 as an example, provides:

> 1. An accounting method for imposing, by a server, a charge for using an application program installed on a client, the method comprising:
>
> a function performance detecting step for detecting that a predetermined function of an application program installed on the client was performed;
>
> a user specifying step for specifying a user who performed the predetermined function; and
>
> an accounting step for imposing charges on a user specified by the user specifying step according to the frequency of performance detected by the function performance detecting step.

None of the citations to the Campbell disclosure by the Examiner relate to the claimed present invention. For example, the Examiner asserts that the present invention's recitation: "detecting that a predetermined function of an application program installed on the client was performed," is disclosed in Campbell, col. 2, lines 5-20, col. 5, lines 18-34, col. 5, line 66 to col. 6, line 27, and col. 10, lines 20-34. However, these Campbell descriptions relate to a wellness plan software performing a variety of billing and accounting functions according to services provided by a medical facility to a patient or services received by a patient from a medical facility (column 2, lines 5-20).

In contrast to Campbell, the claimed invention provides "detecting . . . a function . . of an application program installed on the client" (claim 1). Therefore, the present invention detects software functions performed, for example, by a user of the software or the software itself (see FIG. 7 of the Application). The present invention does not manage general services provided by a provider, such as a doctor, to a user-client, such as a patient. In contrast to Campbell, the claimed invention manages software services used by a user. Further, Campbell does not provide any "function performance detecting," because in Campbell a user inputs function performance information into the system (i.e., what general services to be/were provided by a provider to a user-client). See, for example, column 12, lines 59-60.

A benefit of the present invention is that users are charged according to performance of software functions, and not simply to software usage, which is typically tied to time and charges

a user even though the user is not actually interacting with the software (e.g., when reading or writing on paper at the computer). See, page 7, lines 16-19 of the Application.

NEW CLAIM 10

New claim 10 provides an alternative recitation of the present invention directed to a software usage charging system.

> 10. (NEW) A software usage charging system, comprising:
>
> a programmed client computer executing software and detecting the software function usage by a user; and
>
> a programmed server computer in communication with the client computer and charging the user according to use of the software function in response to the detecting by the programmed client computer.

Support for the new claim 10 can be found, for example, in FIG. 1, and page 4, line 17 through page 7, line 19 of the present application.

CONCLUSION

Dependent claims 2-7 (depending, either directly or indirectly, from claim 1) recite patentably distinguishing features of their own, and, further, are at least patentably distinguishing due to their dependencies from independent claims 1 and 6.

In view of the amendments and remarks presented above, it is respectfully submitted that the application is in condition for allowance, and withdrawal of the rejection of claims 1-9 and allowance of claims 1-9 and new claim 10 is respectfully requested.

Attached hereto is a marked-up version of the changes made to the claims by the current amendment. The attached page is captioned "**VERSION WITH MARKINGS TO SHOW CHANGES MADE**."

If there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

Respectfully submitted,
STAAS & HALSEY LLP

Date: ___April 21, 2003___   By: _____

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VERSION WITH MARKINGS TO SHOW CHANGES MADE

IN THE CLAIMS

New claim 10 is **ADDED** as follows.

Recitation of all pending claims is provided for reference convenience.

1. An accounting method for imposing, by a server, a charge for using an application program installed on a client, the method comprising:

a function performance detecting step for detecting that a predetermined function of an application program installed on the client was performed;

a user specifying step for specifying a user who performed the predetermined function; and

an accounting step for imposing charges on a user specified by the user specifying step according to the frequency of performance detected by the function performance detecting step.

2. The accounting method according to claim 1; wherein the predetermined function is to output data from the client to an external device.

3. The accounting method according to claim 1, further comprising an application program type specifying step for specifying the type of the application program, wherein the accounting step imposes a charge according to the type of the application program specified by the application program type specifying step.

4. The accounting method according to claim 1, further comprising a user registration step for performing user registration in the case of the predetermined function having been performed for the first time.

5. The accounting method according to claim 1, further comprising an imposed charge amount informing step for informing a client which made a request about the amount of charges imposed at that time.

6. A server for imposing a charge for using an application program installed on a client, the server comprising:

function performance detecting means for detecting that a predetermined function of a program installed on the client was performed;

user specifying means for specifying a user who performed the predetermined function; and

accounting means for imposing charges on a user specified by the user specifying means according to the frequency of performance detected by the function performance detecting means.

7. The accounting method according to claim 1, further comprising a charge deducting step for deducting automatically charges imposed by the accounting step from an account being under the user's name.

8. An accounting method for imposing, by a server, a charge for using an application program installed on a client, the method comprising:

a function performance detecting step for detecting that a predetermined function of an application program installed on the client was performed;

a user specifying information obtaining step for obtaining information for specifying a user in the case of the performance of the predetermined function having been detected by the function performance detecting step; and

a user specifying information sending step for sending the server the information for specifying a user obtained by the user specifying information obtaining step.

9. A client for having a server impose a charge for using an application program installed on a client, the client comprising:

function performance detecting means for detecting that a predetermined function of a program installed on the client was performed;

user specifying information obtaining means for obtaining information for specifying a user in the case of the performance of the predetermined function having been detected by the function performance detecting means; and

user specifying information sending means for sending the server the information for specifying a user obtained by the user specifying information obtaining means.

10. (NEW) A software usage charging system, comprising:

a programmed client computer executing software and detecting the software function

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usage by a user; and

a programmed server computer in communication with the client computer and charging the user according to use of the software function in response to the detecting by the programmed client computer.